

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)



WEDNESDAY, THE THIRTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

PRESENT
THE HON'BLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

WRIT PETITION Nos: 16025 & 16026 of 2024

WRIT PETITION NO: 16025 OF 2024

Between:

Gadde Sandhya, W/o.G.Vijaya Krishna, Aged about 36 Years, Occ
Business, R/o.Flat No-108, Block No-2, Sigma Central, Tara
Nagar,Near Pochamma Temple, Serilingampalli, Ranga Reddy District,
Hyderabad-500019, Telangana State.

...Petitioner

AND

1. The State of Andhra Pradesh, Represented by its Principal Secretary,
Revenue(Stamps AND Registration) Department, Secretariat,
Velagapudi, Amaravathi
2. The Sub-Registrar, Nallapadu, Guntur, Guntur District.
3. State Bank of India, Rep. By its Authorised Officer, Stressed & Assets
Recovery Branch, 3rd Floor Upstairs of KFC, Surya Prakash Square,
Gurunanak Road, Vijayawada.

...Respondents

Petition under Article 226 of the Constitution of India praying that in
the circumstances stated in the affidavit filed therewith, the High Court may
be pleased to issue a writ order or direction more particularly in the nature
of writ of Mandamus or any Appropriate Writ by declaring the inaction of
the Second Respondent in not receiving and not registering the Sale
Certificate Dated 22-03-2024, issued by the Third Respondent under
Securitisation and Reconstruction of Financial Assets and Enforcement of
Security Interest Act (Hereinafter mentioned as SARFAESI Act) and Rule
9(6) of Security Interest Enforcement Rules, 2002, by demanding the
Petitioners to pay Stamp duty as per Market Value instead of Auction Price

of Rs. 55,10,000/-(Fifty Five Lakhs Ten Thousand), and refused to receive the Document, and not considering the Representation of the Petitioner Dated 20-04-2024, and not following the Final Order of this Hon'ble Court in W.P.No. 15400 of 2018, in which this Hon'ble Court was Pleased to held that, the Stamp duty is payable on the amount mentioned in the Sale Certificate, but not on the Guideline Value maintained by the Government., is illegal, contrary to Article 14,19, and 21 of Constitution of India, contrary to Registration Act, and consequently direct the Second Respondent to receive and complete the Process of registering the Sale Certificate issued by the Third Respondent in favour of the Petitioner, for the Property All Part and Parcel of Residential Vacant Site in an extent of 1016.40 Square Yards situated at Guntur District, Nallapadu Sub-District, Turakapalem Gram Panahcyat area, Nallapadu Village D.No-515-C-1 by collecting Stamp Duty as per the Sale Price mentioned in the Sale Certificate as the Sale is conducted through Public Auction.

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Second Respondent to receive and complete the Process of registering the Sale Certificate Dated 22-03- 2024, issued by the Third Respondent in favour of the Petitioner, for the property All Part and Parcel of Residential Vacant Site in an extent of Property 1016.40 Square Yards situated at Guntur District, Nallapadu Sub-District, Turakapalem Gram Panahcyat area, Nallapadu Village D.No-515-C-1 the Sale Price mentioned in the Sale by collecting Stamp Duty as per Sale Price mentioned in the Sale Certificate as the Sale is conducted through Public Auction.

Counsel for the Petitioner: M/s VINODIN.RUTH MADAPALLI
Counsel for the Respondents 1 & 2: GP FOR REGISTRATION & STAMPS
Counsel for the Respondent No.3: SRI S. SATYNARAYANA MOORTHY

WRIT PETITION NO: 16026 OF 2024

Between:

Manthana Subba Raju, S/o.Sri.M.Krishnam Raju, Aged about 36 Years,
Occ: Business, R/o.9-104, Alakapuram, Alluru, Guntur District, PIN
522314. Andhra Pradesh.

...Petitioner

AND

1. The State of Andhra Pradesh, Represented by its Principal Secretary, Revenue(Stamps and Registration) Department, Secretariat, Velagapudi, Amaravathi
2. The Sub-Registrar, Nallapadu, Guntur, Guntur District.
3. State Bank of India, Rep. By its Authorised Officer, Stressed Assets Recovery Branch, 3rd Floor, Upstairs of KLC, Surya Prakash Square, Gurunanak Road, Vijayawada.

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ order or direction more particularly in the nature of writ of Mandamus or any Appropriate Writ by declaring the inaction of the Second Respondent in not receiving and not registering the Sale Certificate Dated 22-03-2024, issued by the Third Respondent under Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act (Hereinafter mentioned as SARFAESI Act) and Rule 9(6) of Security Interest Enforcement Rules, 2002, by demanding the Petitioners to pay Stamp duty as per Market Value instead of Auction Price of Rs. 55,10,000/- (Fifty Five Lakhs Ten Thousand), and refused to receive the Document, and not considering the Representation of the Petitioner Dated 20-04-2024, and not following the Final Order of this Hon'ble Court in W.P.No. 15400 of 2018, in which this Hon'ble Court was Pleased to held that, the Stamp duty is payable on the amount mentioned in the Sale Certificate, but not on the Guideline Value maintained by the Government., is illegal, contrary to Article 14,19, and 21 of Constitution of India, contrary to Registration Act, and

consequently direct the Second Respondent to receive and complete the Process of registering the Sale Certificate issued by the Third Respondent in favour of the Petitioner, for the Property All Part and Parcel of Residential Vacant Site in an extent of 1016.40 Square yards situated at Guntur District, Nallapadu Sub-District, Turkapalem Gram Panchayat area, Nallapadu Village D.No-515-C-1 by collecting Stamp Duty as per the Sale Price mentioned in the Sale Certificate as the Sale is conducted through Public Auction.

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased direct the Second Respondent to receive and complete the Process of registering the Sale Certificate Dated 22-03-2024, issued by the Third Respondent in favour of the Petitioner, for the Property All Part and Parcel of Residential Vacant Site in an extent of 1016.40 Square Yards situated at Guntur District, Nallapadu Sub-District, Turakapalem Gram Panahcyat area, Nallapadu Village D.No-515-C-1 by collecting Stamp Duty as per the Sale Price mentioned in the Sale Certificate as the Sale is conducted through Public Auction.

Counsel for the Petitioner: M/s VINODIN RUTH MADAPALLI

Counsel for the Respondents 1 & 2: GP FOR REGISTRATION & STAMPS

Counsel for the Respondent No.3: SRI S. SATYNARAYANA MOORTHY

The Court made the following common order:

APHQ010312802024



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3328]

WEDNESDAY, THE THIRTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

PRESENT

**THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA
PRASAD**

WRIT PETITION NOS: 16025 & 16026 OF 2024

Between:

1. GADDE SANDHYA, W/O.G.VIJAYA KRISHNA, AGED ABOUT 36 YEARS, OCC BUSINESS, R/O.FLAT NO-108, BLOCK NO-2, SIGMA CENTRAL, TARA NAGAR, NEAR POCHAMMA TEMPLE, SERILINGAMPALLI, RANGA REDDY DISTRICT, HYDERABAD-500019, TELANGANA STATE.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, REVENUE (STAMPS AND REGISTRATION) DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATHI

2. THE SUBREGISTRAR, NALLAPADU, GUNTUR, GUNTUR DISTRICT.

3. STATE BANK OF INDIA, REP. BY ITS AUTHORISED OFFICER, STRESSED I ASSETS RECOVERY BRANCH, 3RD FLOOR UPSTAIRS OF KFC, SURYA PRAKASH SQUARE, GURUNANAK ROAD, VIJAYAWADA.

...RESPONDENT(S):

Counsel for the Petitioner:

1 VINODIN RUTH MADAPALLI

Counsel for the Respondent(S):

1 S SATYANARAYANA MOORTHY

2 GP FOR REGISTRATION AND STAMPS

WRIT PETITION NO: 16026 OF 2024**Between:**

1.MANTHENA SUBBA RAJU, S/O.SRI.M.KRISHNAM RAJU, AGED ABOUT 36 YEARS, OCC BUSINESS, R/O.9-104, ALAKAPURAM, ALLURU, GUNTUR DISTRICT, PIN 522314. ANDHRA PRADESH

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, REVENUE(STAMPS AND REGISTRATION) DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATHI

2.THE SUBREGISTRAR, NALLAPADU, GUNTUR, GUNTUR DISTRICT.

3.STATE BANK OF INDIA, REP. BY ITS AUTHORISED OFFICER, STRESSED ASSETS RECOVERY BRANCH, 3RD FLOOR. UPSTAIRS OF KLC, SURYA PRAKASH SQUARE, GURUNANAK ROAD, VIJAYAWADA..

...RESPONDENT(S):

Counsel for the Petitioner:

1 VINODIN RUTH MADAPALLI

Counsel for the Respondent(S):

1 S SATYANARAYANA MOORTHY

2 GP FOR REGISTRATION AND STAMPS

The Court made the following COMMON ORDER:

Heard Ms. M. Vinodin Ruth, learned Counsel for the Writ Petitioners and Sri K. Arjun Chowdhary, learned Assistant Government Pleader for Stamps & Registration.

2. The facts in both the cases are identical. Therefore, with the consent of the parties, both the cases are being disposed of by this Common Order.

3. The facts in this case, in a nutshell, are that:

The State Bank of India (Respondent No.3) had issued a newspaper publication seeking to hold a public auction to sell two plots of same the dimensions i.e., to an extent of 1016.40 Square Yards of land situated in Turakapalem Grama Panchayat area, Nallapadu Sub-District, Guntur District bearing D.No.515-C-1. The Respondent No.3 has fixed a reserve price of Rs.55,00,000/-. The mode of auction is by *e-auction*.

4. The auction was conducted on 29.02.2024, in which, the Writ Petitioners stood as highest bidders for an amount of Rs.55,10,000/-.

5. The Writ Petitioners have paid the entire sale consideration to the State Bank of India (Respondent No.3). The State Bank of India (Respondent No.3) has issued 'Possession Certificate' to the subject property and handed over the subject property to the Writ Petitioners along with the 'Sale Certificates' on 22.03.2024.

6. On 27.03.2024, the Writ Petitioners and the State Bank of India (Respondent No.3) has approached the Sub-Registrar, Nallapadu, Guntur District (Respondent No.2) for registration of the Sale Certificates dated 22.03.2024. The Sub-Registrar, Nallapadu, Guntur District (Respondent No.2) had directed the Writ Petitioners to pay Stamp Duty and Registration Fee on market value which is mentioned in the Market Value Register. Request to register the Sale Certificates on the basis of the auction amount of ₹.55,10,000/- was rejected by the Sub-Registrar, Nallapadu, Guntur District (Respondent No.2) and made it clear that unless the Writ Petitioners pays the Stamp Duty on the market value as reflected in the Market Value Register, the registration of the Sale Certificates dated 22.03.2024 cannot be entertained.

7. Ld. Counsel for the Writ Petitioners has placed reliance on the Judgment of this Court in ***Mallikarjuna Kondapaneni and Others Vs. State of A.P., Rep. by its Principal Secretary and Others; 2025 SCC OnLine AP 332***. Ld. Counsel for the Writ Petitioners has taken this Court through the relevant paragraphs which are usefully extracted hereunder:

"12. As the law has been clearly laid down in V.N. Devadoss's case (supra), Single Benches of this Court, following the said case as a precedent, have consistently allowed several Writ Petitions brought by the successful auction purchasers. The Intra-Court Appeals filed by the State were dismissed thereby confirming the Orders of the Single Benches since the said Orders were passed by placing reliance on V.N. Devadoss's case. There are already several reported Judgments on the very same issue in the law journals.

13. This discussion is being made by this Court out of sheer concern that such well settled legal issues

are again being raked-up by the Executive, again and again compelling the citizens to approach this Court. In the case of **State of Andhra Pradesh, rep. by its Principal Secretary and Ors. Vs. Marvel Financial Services Ltd., rep. by its Director Mr. P. Srinivas Chowdary and Anr. : 2022 SCC Online AP 3328**, the Division Bench of this Hon'ble Court, having discussed elaborately, had upheld the Order passed by the learned Single Judge, directing the Registration Authorities to collect the Stamp Duty and Registration Fee only on the value that is fetched in the auction sale with a clear caveat that the Official Respondents cannot charge Stamp Duty and Registration Fee on the market value.

14. The Hon'ble Supreme Court, as recently as in the year 2024, in **State of Punjab and Anr. Vs. Ferrous Alloy Forgings Private Limited and Ors : 2024 SCC Online SC 3372**, in para 20 of the said Judgment, has held as under:

"20. The position of law discussed above makes it clear that sale certificate issued by the authorised officer is not compulsorily registrable. Mere filing under Section 89(4) of the Registration Act itself is sufficient when a copy of the sale certificate is forwarded by the authorised officer to the registering authority. However, a perusal of Articles 18 and 23 respectively of the first schedule to the Stamp Act respectively makes it clear that when the auction purchaser presents the original sale certificate for registration, it would attract stamp duty in accordance with the said Articles. As long as the sale certificate remains as it is, it is not compulsorily registrable. It is only when the auction purchaser uses the certificate for some other purpose that the requirement of payment of stamp duty, etc. would arise."

15. After having considered the judgments rendered by the Hon'ble Supreme Court and the Division Bench of this Hon'ble Court, the Issue No.1 is answered by this Court holding that the Respondent Authorities (Department of Registration and Stamps) shall collect Stamp Duty and Court

Fee on the value of the property as mentioned in the Sale Certificate in the present case."

8. Several judgments of the Hon'ble Apex Court as well as the judgments rendered by the Ld. Single Judges of this Court and the Division Bench of this Court have been referred to in the above cited judgment.

9. In this regard, the law is absolutely clear and well settled that the Registration Authorities cannot insist on payment of Stamp Duty and Registration Fee basing on the value of the property as indicated in the Market Value Register. The Sub-Registrar has no other option, but to register the Sale Certificates by fixing the Stamp Duty based on the successful bid price which is fetched in the auction, as the same reflects the true market value as per the settled law.

10. In the above premise, both the Writ Petitions stand allowed. The Sub-Registrar, Nallapadu, Guntur District (Respondent No.2) is directed to receive the Sale Certificates and process the same by assessing the Stamp Duty basing on the successful bid price which is fetched in the auction, which is Rs.55,10,000/- in the present Writ Petitions and inform the same to the Writ Petitioners within two weeks from today. No order as to costs.

11. Interlocutory Applications, if any, stand closed in terms of this order.

**Sd/- N.NAGAMMA
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue(Stamps and Registration)
Department, State of Andhra Pradesh, Secretariat, Velagapudi,
Amaravathi
2. The Sub-Registrar, Nallapadu, Guntur, Guntur District.

3. The Authorised Officer, State Bank of India, Stressed Assets Recovery Branch, 3rd floor, Upstairs of KLC, Surya Prakash Square, Gurunanak Road, Vijayawada.
4. One CC to Sri Vinodin Ruth Madapalli, Advocate [OPUC]
5. One CC to Sri S. Satyanarayana Moorthy, Advocate [OPUC]
6. Two CCs to GP for Registration & Stamps, High Court of Andhra Pradesh. [OUT]
7. Two CD Copies

RAM

HIGH COURT

DATED:30/04/2025

COMMON ORDER

WP.Nos.16025 &16026 of 2024



**ALLOWING BOTH THE WPs
WITHOUT COSTS**